

**North Carolina Department of Labor
Division of Occupational Safety and Health**

Raleigh, North Carolina

Field Information System

Operational Procedure Notice 88K

Subject: Special Emphasis Program for Logging and Arboriculture

A. Purpose and Scope.

This Operational Procedure Notice (OPN) establishes a Special Emphasis Program (SEP) to address the hazards associated with logging, tree harvesting, tree removal operations and arboricultural operations. This effort will include consultation efforts, education and training activities and safety inspections.

Industries covered by this SEP include those in North American Industry Classification System (NAICS) Codes 11331 – Logging and 56173 – Landscaping Services. Citation guidance contained in this OPN will apply to any industry performing logging or arboricultural activities.

B. Action.

This OPN provides for special emphasis inspections in accordance with North Carolina General Statute (NCGS) 95-136.1(b)(2) due to a high rate of work-related deaths. Compliance Safety and Health Officers (CSHOs) will use this OPN when conducting logging or arboriculture inspections related to tree felling and other related activity. This SEP is in effect throughout North Carolina.

C. Background.

The North Carolina Department of Labor, Occupational Safety and Health (OSH) Division initiated the state's first SEP for tree felling operations in 1994 in response to an increasing number of fatalities and serious injuries associated with tree felling and related activity. Through consultation, education and training, and compliance activity, the SEP had a significant impact on reducing the number of fatalities relating to tree felling. Statistical data for the years 2016 - 2021 indicate a continued need for this SEP. During this time, there were 32 total fatalities with 25 fatalities related to arboricultural activities and seven fatalities in the logging industry.

D. Consultative and Training Activity.

The Consultative Services Bureau and the Education, Training and Technical Assistance Bureau will provide consultative, training and outreach efforts in support of this SEP, consistent with the specific tasks included in the OSH Division's Strategic Management Plan. Additionally, the Consultative Services Bureau will evaluate the employer's equipment along with their onsite procedures to establish a worksite safety program. If the Consultative Services Bureau is performing a consultative survey, the site may have a temporary deferral from programmed compliance activity as described in Field Operations Manual (FOM) Chapter II – Compliance Programming and Chapter III – Inspection Procedures.

E. Compliance Inspection Activity.

Each district office will conduct inspections in support of this SEP.

OPN 88K cont'd.

1. Inspection Activity.

- a. Unprogrammed Inspections. Any unprogrammed activity including fatalities and catastrophes, complaints, and referrals (for self-referrals, see paragraph E.1.b. – Programmed Planned Inspections below) begin as partial scope inspections. CSHOs will refer to FOM Chapter VIII – Fatality and Catastrophe Investigations and FOM Chapter IX – Complaints, Referrals, and Accidents for additional information regarding SEP inspection scope and possible scope expansion.
- b. Programmed Planned Inspections. Self-referral (drive-by) inspections will be classified as programmed planned inspections per the definition of programmed planned inspections found in FOM Chapter II – Compliance Programming, paragraph B. 1. – Inspection/Investigation Types. Programmed planned inspections will begin as comprehensive in scope. Since self-referrals are programmed planned inspections, no referral worksheet (Referral Report) will be completed. However, CSHOs must document the circumstances surrounding the self-referral in the narrative.
 - i. In consideration of the high injury and fatality rate and the mobile and fleeting nature of tree felling operations, any serious hazards observed should normally be investigated immediately by the CSHO who observes the activity, after consulting with the district supervisor. Serious safety hazards observed by other individuals shall be referred to the applicable compliance supervisor.
 - ii. Many tree felling operations are located in remote locations where the observation of hazards from public areas would not be possible. Whenever a CSHO observes or receives information regarding a site where tree felling may be taking place, but no violation is observed, the CSHO and the district supervisor should determine if the site should be immediately inspected. Such determination shall be based on, but not limited to, the following criteria: the resources available for inspecting the site, the size of the operation and the prior history of the operator, if known.
 - iii. For tree felling operations associated with storm cleanup, the compliance bureau chief or supervisor may request searches be conducted to locate the cleanup sites. This could include contact with public sector organizations who should not be evaluated under this OPN.

F. Coding.

Coding will be entered only for employers who fall under the NAICS codes of this SEP – 11331 and 56173.

Inspections conducted as a result of this SEP which are determined to be logging activities shall be coded in the Emphasis/Initiatives tab within OSHA Express (OE) as local emphasis program

OPN 88K cont'd.

(LEP) inspections and marked “LOGGING.” In addition, CSHOs will enter “TREE FELLING” in the strategic plan activity description field.

For those inspections covering arboriculture activities, CSHOs will only enter “TREE FELLING” in the strategic plan activity description field.

G. Citation Guidance.

Tree removal operations may be completed by employees in a variety of industries including, but not limited to, logging and arboriculture. As a result, CSHOs must evaluate the type of work being performed before determining which standards apply. Clarification about what constitutes activities in logging and arboriculture can be found in a brief overview below and in more detail in the following guidance documents. CSHOs must also review the guidance found in these documents when determining the applicable standards.

- Memo TC 1: Enforcement Inspection Guidance for Tree Care and Tree Removal Operations.
- Memo TC 2: Davey Tree Expert Company Court Ruling
- OPN 147 – Logging Operations, Inspection Procedures and Interpretive Guidance.

1. Logging Operations.

Logging operations, as covered by 29 CFR 1910.266, are defined within the scope and definitions of the standard and further clarified through the guidance documents listed above. Excerpts from these sources include the following descriptions of what constitutes logging.

From 29 CFR 1910.266(b)(1): “This standard establishes safety practices, means, methods and operations for all types of logging, regardless of the end use of the wood. These types of logging include, but are not limited to, pulpwood and timber harvesting and the logging of sawlogs, veneer bolts, poles, pilings and other forest products. This standard does not cover the construction or use of cable yarding systems.”

From OPN 147, Scope and Application: “Logging operations include, but are not limited to, the operations of marking (i.e., marking danger trees in areas being harvested and marking felled trees to be cut to length), debarking, yarding, chipping, felling, limbing, bucking, loading and unloading equipment and personnel to, from and between logging sites and other operations associated with felling trees and moving logs from the stump to the point of delivery. The standard does not cover the construction or use of cable yarding systems or the construction of roads or trails to logging sites.”

Note: Reference OPN 147 and Memo TC 1 for citation guidance for logging operations.

2. Arboricultural Operations.

Arboriculture operations include, but are not limited to, pruning, repairing, maintaining, and removing trees; cutting brush; and for using equipment in such operations. Many of the hazards found in tree care and tree removal operations are addressed by existing General Industry standards and North Carolina General Statute (NCGS) 95-129(1) – General Duty Clause. OSH recognizes that engaging in tree care operations, such as tree trimming and removal, exposes workers to hazards such as falls from elevations, struck-

OPN 88K cont'd.

by objects (cars, branches), lacerations, and contact with energized power lines. Memo TC 1 provides enforcement guidance to CSHOs when inspecting employers engaged in tree care and tree removal operations.

A major portion of the arboriculture industry is involved in utility line-clearance tree-trimming operations, whereby employees are using arboricultural techniques to clear trees and brush from utility line rights-of-way. Employers involved in this activity include, but are not limited to, power generation companies, companies which are under contract for this service, and municipalities which maintain their own distribution lines. The standard, 29 CFR 1910.269 – Electric Power Generation, Transmission, and Distribution, provides definitions related to line-clearance tree trimming, line-clearance tree trimmers and lists requirements for line-clearance tree-trimming operations and for equipment used in these operations.

Note: Reference Appendix A of this OPN for citation guidance for arboriculture operations.

3. Construction Operations.

Construction companies also perform activities related to tree removal, including site clearing and the incidental use of chainsaws. CSHOs should review the scope of the logging standard when determining if the activities fall under logging operations.

Additional information on when the scope of the logging standard applies can be found in Memo TC 2: Davey Tree Expert Company Court Ruling.

H. Effective Date.

OPN 88J canceled. This OPN is effective on the date of signature. It will remain in effect until revised or canceled by the director.



Gary Thorpe
SEP Team Leader



Jennifer Haigwood
Director

06/16/2023

Date of Signature

Appendix A - Recommended Standards for Arboricultural Operations

SELECTED HAZARDS	APPLICABLE STANDARDS
Line-clearance tree trimming	<ul style="list-style-type: none"> 29 CFR 1910.269(a)(1)(i)(E) - Electric power generation, transmission and distribution, line-clearance tree trimming 29 CFR 1910.331(b) and (c) - Electrical, Scope 29 CFR 1910.268(a) - Telecommunications, Application
Chainsaw Safety (in a bucket, on the ground, in a tree)	<ul style="list-style-type: none"> NCGS 95-129(1) - General Duty Clause (ANSI B 175.1 – Gasoline Powered Chain Saws, Safety Requirements For) 29 CFR 1910.242 - Hand and portable powered tools and equipment, General
PPE with chainsaw (in a bucket, on the ground, in a tree) - foot, head, eye, face, hand	<ul style="list-style-type: none"> 29 CFR 1910 Subpart I – Personal protective equipment
Lifting and material handling exposures	<ul style="list-style-type: none"> 29 CFR 1910.176 - Handling materials, General 29 CFR 1910.184 - Slings
Falls and falling objects, PPE in a tree	<ul style="list-style-type: none"> 29 CFR 1910.67 - Vehicle-mounted elevating and rotating work platforms 29 CFR 1910.132 - General requirements 29 CFR 1910.140 - Personal fall protection systems
Falls from portable ladders	<ul style="list-style-type: none"> 29 CFR 1910.22 - General requirements 29 CFR 1910.23 - Ladders 29 CFR 1910.30 - Training requirements
Use of aerial lifts and other heavy equipment	<ul style="list-style-type: none"> 29 CFR 1910.67 - Vehicle-mounted elevating and rotating work platforms
Woodchipper hazards	<ul style="list-style-type: none"> 29 CFR 1910.212 - General requirements for all machines 29 CFR 1910.133 - Eye and face protection
First aid requirements	<ul style="list-style-type: none"> 29 CFR 1910.151 - Medical services and first aid
Noise exposure and controls	<ul style="list-style-type: none"> 29 CFR 1910.95 - Occupational noise exposure
Falls from trees	<ul style="list-style-type: none"> NCGS 95-129(1) - General Duty Clause (ANSI Z133 <i>Requirements for Arboricultural Operations</i>)
Flammable liquids, fire extinguishers	<ul style="list-style-type: none"> 29 CFR 1910.106 - Flammable liquids 29 CFR 1910.157 - Portable fire extinguishers
Riding the hook, hoisting on a crane	<ul style="list-style-type: none"> 29 CFR 1910.180 - Crawler, locomotive and truck cranes